

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

KEVIN JAMES LISLE,

Petitioner,

v.

RENEE BAKER, *et al.*,

Respondents.

Case No. 2:03-cv-01006-MMD-CWH

ORDER

In this capital habeas corpus action, on May 12, 2015, petitioner's counsel filed an *ex parte* motion to withdraw (dkt. no. 213 (sealed)). The Court denied that motion on July 31, 2015 (dkt. no. 225 (sealed)). On August 21, 2015, petitioner's counsel filed an *ex parte* motion for reconsideration of that order (dkt. no. 229 (sealed)). The motion for reconsideration is pending.

Respondents filed a motion to dismiss on December 26, 2014 (dkt. no. 182). The parties were briefing that motion when petitioner's counsel filed their motion to withdraw. Petitioner filed an opposition to the motion to dismiss on April 27, 2015 (dkt. no. 206). As a result of the litigation of petitioner's counsel's motion to withdraw, and in compliance with the Court's orders, respondents have filed only a partial reply in support of their motion to dismiss (dkt. no. 221). In addition, petitioner apparently intends to file a motion for leave to conduct discovery and/or a motion for evidentiary hearing related to his opposition to the motion to dismiss. The filing and briefing of any motion for leave to conduct discovery and/or motion for an evidentiary hearing, and respondents' further

1 reply in support of the motion to dismiss, has been delayed by the adjudication of the
2 motion to withdraw.

3 On July 31, 2015, when the Court denied the motion to withdraw, the Court
4 ordered that petitioner was to file any motion for leave to conduct discovery and/or
5 motion for evidentiary hearing related to his opposition to the motion to dismiss within
6 20 days — by August 20, 2015.

7 On August 20, 2015, petitioner filed a motion for extension of time (dkt. no. 227),
8 requesting that the deadline for him to file any motion for leave to conduct discovery
9 and/or motion for evidentiary hearing related to his opposition to the motion to dismiss
10 be suspended until after the Court rules on the motion for reconsideration of the order
11 denying his counsel's motion to withdraw. Respondents do not oppose the motion for
12 extension of time.

13 The Court finds that petitioner's motion for extension of time is made in good faith
14 and not solely for the purpose of delay, and that there is good cause for the extension of
15 time requested.

16 It is therefore ordered that petitioner's motion for extension of time (dkt. no. 227)
17 is granted. The deadline for petitioner to file any motion for leave to conduct discovery
18 and/or motion for evidentiary hearing related to his opposition to the motion to dismiss is
19 suspended until after the Court rules on the motion for reconsideration of the order
20 denying his counsel's motion to withdraw. The Court will reset that deadline after it rules
21 on the motion for reconsideration.

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23 DATED THIS 28th day of August 2015.

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26 MIRANDA M. DU
27 UNITED STATES DISTRICT JUDGE
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